



Mesur Addysg (Cymru) 2009

2009 mccc 5

RHAN 1

APELAU A HAWLIADAU ADDYSG GAN BLANT

Hawliadau gwahaniaethu ar sail anabledd

[^{F1}9] **Hawl plentyn i wneud hawliad anabledd**

- (1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.
- (2) Yn y pennawd i baragraff 3 (awdurdodaeth), ar ôl “*Jurisdiction*” mewnosoder “—*England and Wales*”.
- (3) Ar ôl paragraff 3 mewnosoder—
 - “3A *Jurisdiction — Wales*
 - (1) A claim that a responsible body for a school in Wales has contravened Chapter 1 of Part 6 in relation to a person because of disability may be made to the Tribunal by that person (“the relevant person”).
 - (2) But this paragraph does not apply to a claim to which paragraph 13 or 14 applies.
 - (3) The relevant person’s right to claim is exercisable concurrently with the right of the relevant person’s parent under paragraph 3.
 - (4) The exercise of rights under this paragraph is subject to provision made by regulations under paragraphs 6 and 6A.”.]

Diwygiadau Testunol

F1 A. 9 wedi ei amnewid (6.7.2011) gan [Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd \(Ysgolion\) \(Cymru\) 2011 \(O.S. 2011/1651\)](#), erglau. 1(2), 3

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, Croes Bennawd: Hawliadau gwahaniaethu ar sail anabledd. (See end of Document for details)

Gwybodaeth Cychwyn

I1 A. 9 mewn grym ar 6.3.2012 gan O.S. 2012/320, **ergl. 3(f)**

[^{F2}10 Amser ar gyfer dwyn achos

- (1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.
- (2) Ym mharagraff 4 (amser ar gyfer dwyn achos), ar ôl is-baragraff (2), rhodder—

“(2A) If, in relation to proceedings or prospective proceedings on a claim under paragraph 3 or 3A, the dispute is referred for resolution in pursuance of arrangements under paragraph 6C or for conciliation in pursuance of arrangements under section 27 of the Equality Act 2006 before the end of the period of 6 months mentioned in sub-paragraph (1), that period is extended by 3 months.”.]

Diwygiadau Testunol

F2 A. 10 wedi ei amnewid (6.7.2011) gan Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd (Ysgolion) (Cymru) 2011 (O.S. 2011/1651), erglau. 1(2), **4**

Gwybodaeth Cychwyn

I2 A. 10 mewn grym ar 6.3.2012 gan O.S. 2012/320, **ergl. 3(g)**

[^{F3}11 Gweithdrefn y Tribiwnlys

- (1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.
- (2) Ym mharagraff 6 (gweithdrefn)—
 - (a) yn is-baragraff (2)(a), ar ôl “paragraph 3” mewnosoder “or 3A”;
 - (b) ar ôl is-baragraff (3)(c), mewnosoder “(ca) for adding and substituting parties;”.]

Diwygiadau Testunol

F3 A. 11 wedi ei amnewid (6.7.2011) gan Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd (Ysgolion) (Cymru) 2011 (O.S. 2011/1651), erglau. 1(2), **5**

Gwybodaeth Cychwyn

I3 A. 11 mewn grym ar 10.2.2012 gan O.S. 2012/320, **ergl. 2(d)**

[^{F4}12 Cyfeillion achos

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Diwygiadau Testunol

F4 A. 12 wedi ei hepgor (1.9.2021) yn rhinwedd Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (anaw 2), a. 100(3), **Atod. 1 para. 19(6)**; O.S. 2021/373, **ergl. 8(j)(xxxiii)**

[^{F5}13 Cyngor a gwybodaeth

- (1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.
- (2) Ar ôl paragraff 6A (cyfeillion achos — Cymru) mewnosoder—
 - “6B *Advice and information — Wales*
 - (1) A local authority in Wales must arrange for any disabled child in its area and for the case friend of any such child to be provided with advice and information about matters relating to disability discrimination in schools.
 - (2) In making the arrangements, the local authority must have regard to any guidance given by the Welsh Ministers.
 - (3) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
 - (4) The local authority must take such steps as it considers appropriate for making the services provided under sub-paragraph (1) known to—
 - (a) disabled children in its area,
 - (b) parents of disabled children in its area,
 - (c) head teachers and proprietors of schools in its area, and
 - (d) such other persons as it considers appropriate.”.]

Diwygiadau Testunol

F5 [A. 13](#) wedi ei amnewid (6.7.2011) gan [Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd \(Ysgolion\) \(Cymru\) 2011 \(O.S. 2011/1651\)](#), erglau. 1(2), 7

Gwybodaeth Cychwyn

I4 [A. 13](#) mewn grym ar 6.3.2012 gan [O.S. 2012/320](#), [ergl. 3\(h\)](#)

[^{F6}14 Datrys anghydfodau

- (1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.
- (2) Ar ôl paragraff 6B (cyngor a gwybodaeth — Cymru) mewnosoder—
 - “6C *Resolution of disputes — Wales*
 - (1) A local authority in Wales must make arrangements with a view to avoiding or resolving disagreements between responsible bodies and disabled children in its area about contraventions of Chapter 1 of Part 6.
 - (2) The arrangements must provide for the appointment of independent persons with the functions of facilitating the avoidance or resolution of such disagreements.
 - (3) In making the arrangements, the local authority must have regard to any guidance given by the Welsh Ministers.
 - (4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, Croes Bennawd: Hawliadau gwahaniaethu ar sail anabledd. (See end of Document for details)

- (5) The local authority must take such steps as it considers appropriate for making the arrangements under sub-paragraph (1) known to—
 - (a) disabled children in its area,
 - (b) parents of disabled children in its area,
 - (c) head teachers and proprietors of schools in its area, and
 - (d) such other persons as it considers appropriate.
- (6) The arrangements cannot affect the entitlement of any person to make a claim to the Tribunal, and the local authority must take such steps as it considers appropriate to make that fact known to disabled children, to parents of disabled children and to case friends for disabled children in its area.”.]

Diwygiadau Testunol

F6 A. 14 wedi ei amnewid (6.7.2011) gan [Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd \(Ysgolion\) \(Cymru\) 2011 \(O.S. 2011/1651\)](#), [erglau. 1\(2\), 8](#)

Gwybodaeth Cychwyn

I5 A. 14 mewn grym ar 6.3.2012 gan [O.S. 2012/320](#), [ergl. 3\(i\)](#)

[^{F7}15 Gwasanaethau eirioli annibynnol

- (1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.
- (2) Ar ôl paragraff 6C (datrys anghydfodau — Cymru) mewnosoder—

“6D *Independent advocacy services — Wales*

 - (1) Every local authority in Wales must—
 - (a) make arrangements for the provision of independent advocacy services in its area;
 - (b) refer any disabled child in its area who requests independent advocacy services to a service provider;
 - (c) refer any person who is a case friend for a disabled child in its area and who requests independent advocacy services to a service provider.
 - (2) In this paragraph “independent advocacy services” are services providing advice and assistance (by way of representation or otherwise) to a disabled child who is—
 - (a) making, or intending to make a claim that a responsible body has contravened Chapter 1 of Part 6 because of the child’s disability; or
 - (b) considering whether to make such a claim; or
 - (c) taking part in or intending to take part in dispute resolution arrangements made under paragraph 6C.
 - (3) In making arrangements under this paragraph, every local authority must have regard to the principle that any services provided under the arrangements must be independent of any person who is—
 - (a) the subject of a claim to the Tribunal, or
 - (b) involved in investigating or adjudicating on such a claim.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, Croes Bennawd: Hawliadau gwahaniaethu ar sail anabledd. (See end of Document for details)

- (4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (5) Every local authority in Wales must take such steps as it considers appropriate for making the arrangements under this paragraph known to—
 - (a) disabled children in its area,
 - (b) parents of disabled children in its area,
 - (c) head teachers and proprietors of schools in its area, and
 - (d) such other persons as it considers appropriate.
- (6) The arrangements may include provision for payments to be made to, or in relation to, any person carrying out functions in accordance with the arrangements.
- (7) A local authority must have regard to any guidance given from time to time by the Welsh Ministers.”.]

Diwygiadau Testunol

F7 A. 15 wedi ei amnewid (6.7.2011) gan [Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd \(Ysgolion\) \(Cymru\) 2011 \(O.S. 2011/1651\)](#), erglau. 1(2), **9**

Gwybodaeth Cychwyn

I6 A. 15 mewn grym ar 6.3.2012 gan [O.S. 2012/320](#), **ergl. 3(j)**

[^{F8}16 Rôl Gweinidogion Cymru

- (1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.
- (2) Ar ôl paragraff 6D (gwasanaethau eirioli annibynnol — Cymru) mewnosoder—

“6E *Power of direction — Wales*

 - (1) If the Welsh Ministers are satisfied (whether on a complaint or otherwise) that a local authority—
 - (a) has acted, or is proposing to act, unreasonably in the discharge of a duty imposed by or under paragraph 6B, 6C or 6D, or
 - (b) has failed to discharge a duty imposed by or under any of those paragraphs,they may give that local authority such directions as to the discharge of the duty as appear to them to be expedient.
 - (2) A direction may be given under sub-paragraph (1) even if the performance of the duty is contingent on the opinion of the local authority.
 - (3) A direction—
 - (a) may be varied or revoked by the Welsh Ministers;
 - (b) may be enforced, on the application of the Welsh Ministers, by a mandatory order obtained in accordance with section 31 of the Senior Courts Act 1981.”.]

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, Croes Bennawd: Hawliadau gwahaniaethu ar sail anabledd. (See end of Document for details)

Diwygiadau Testunol

F8 A. 16 wedi ei amnewid (6.7.2011) gan Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd (Ysgolion) (Cymru) 2011 (O.S. 2011/1651), erglau. 1(2), **10**

Gwybodaeth Cychwyn

I7 A. 16 mewn grym ar 6.3.2012 gan O.S. 2012/320, **ergl. 3(k)**

Newidiadau i ddeddfwriaeth:

Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, Croes Bennawd: Hawliadau gwahaniaethu ar sail anabledd.